IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7243 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KAMARUDDIN FAKRUDDIN KAZI DELETED AS PER ORDER 10/7/96

Versus

STATE OF GUJARAT

Appearance:

MR PJ PATEL for Petitioners

MR RJ OZA for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 09/03/2001

ORAL JUDGEMENT

1. Though on file it is mentioned that this petition is to be heard alongwith the Special Civil Application No.8125 of 1990 and allied matters, looking to the facts of each case, it appears that the facts of this case are different from the other matters and, therefore, at the request of Mr.Pradip J. Patel, learned advocate for the

petitioners, this petition is separated from the other petitions and is heard today.

2. By means of filing this petition under Article 226 of the Constitution of India, the petitioners, 29 in number, who were appointed in Irrigation Department, State of Gujarat and working in drainage circle of the said Department challenge the circular dated June 6, 1990 at Annexure-E to the petition issued by respondent no.2 by which it is ordered to treat the petitioners to be surplus even though they are seniors both at the State level and Circle level and, therefore, it is prayed to issue a writ of appropriate direction and order to quash and set aside the said circular.

3. Today when the matter is called out, Mr.Pradip Patel,learned advocate for the petitioners and Ms.Nandni Joshi, learned AGP for the respondents are present.

4. It is jointly submitted by the learned counsel for both the sides that petitioner nos.4 and 14 had expired on 28/7/95 and 31/12/95 respectively, petitioner Nos.9, 13, and 28 have taken voluntary retirement on 31/7/96, 31/1/91 and 30/11/92 respectively whereas, petitioner no.25 has retired on 31/8/91 and rest of the petitioners have been deleted, the petitioners do not intend to prosecute this petition further.

5. In view of the above state of affairs, since some of the petitioners have died and some of them have voluntary retired and rest of them have been deleted, this petition does not survive.

6. For the aforesaid reasons, the petition fails and accordingly it is rejected. Rule is discharged with no order as to costs, reserving liberty to apply in case of difficulty. Interim relief granted earlier stands vacated.

(A. M. Kapadia, J.)

(vrp)*